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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,087	02/04/2002	Andrew Sternlicht	H00649/70001 RJP/CAB	7590
7590 Carole A. Boelitz Wolf, Greenfield & Sacks, P.C. Federal Reserve Plaza 600 Atlantic Avenue Boston, MA 02210			EXAMINER GLASS, RUSSELL S	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/067,087	Applicant(s) STERNLICHT, ANDREW	
	Examiner Russell S. Glass	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 64-67 is/are pending in the application.
- 4a) Of the above claim(s) 20-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 64-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. **Claims 1-12, 17-19, 64-67 are rejected under 35 U.S.C. 102(a) as unpatentable over Medical Travel Inc., accessed as of June 20, 2000 and available at: <http://web.archive.org/web/20000816163204/www.medicaltravel.org/index.html>, hereinafter cited as Medical Travel.**

2. As per claim 1, Medical Travel discloses a method wherein method for managing medical care of multiple clients outside of a medical facility, comprising the steps of:

accepting reservation information from clients, (Medical Travel, p. 4);

based on said reservation information, determining that a plurality of the clients have a reservation period within the same temporal range and a reservation location within the same geographic range, (Medical Travel, p. 4)(disclosing a group of people with similar disabilities booked together for treatment)

bundling the plurality of clients into a quantum bundle, wherein the step of bundling comprises limiting the accommodations available to at least one of the plurality

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of clients to an accommodation reserved for at least one other client of the plurality of clients (Medical Travel, p. 4, 14) (a group of people with similar disabilities booked together for treatment and transport on the same cruise ship is considered to be a quantum bundle because they share the same reservation period and geographic location and transport on the same cruise ship, and that children can have their accommodations limited to the same cabin as their family);

providing, for the bundle of clients, an accommodation outside of at least one medical facility, (Medical Travel, p. 4, 19) (a cruise ship is considered an outside accommodation);

providing clinical services to the bundle of clients while they reside at the accommodation, (Medical Travel, p. 4, 19) (dialysis is a clinical service).

3. As per claim 2, Medical Travel discloses a method wherein the reservation period for each client in the bundle of clients is overlapping in time, (Medical Travel, p. 4).

4. As per claim 3, Medical Travel discloses a method wherein further comprising the step of providing concierge services, (Medical Travel, p. 4).

5. As per claim 4, Medical Travel discloses a method wherein the step of providing concierge services includes providing transportation to the accommodation from a medical facility, (Medical Travel, p. 4, 11, 12).

6. As per claim 5, Medical Travel discloses a method wherein wherein the step of providing the concierge services includes providing medical travel escorts, (Medical Travel, p. 4)(a board certified nephrologist is a form of escort).

7. As per claim 6, Medical Travel discloses a method wherein the step of providing the concierge services includes providing vehicle travel reservations, (Medical Travel, p. 4, 11, 12).

8. As per claim 7, Medical Travel discloses a method further comprising the step of coordinating billing of the Concierge services to the bundle of clients, (Medical Travel, p. 13, 14)(disclosing how to pay for on-board expenses).

9. As per claim 8, Medical Travel discloses a method further comprising the step of providing a default treatment protocol for at least one client, (Medical Travel, p. 4)(disclosing providing a patient's exact dialysis and oxygen treatment protocol).

10. As per claim 9, Medical Travel discloses a method further comprising the step of modifying the default treatment protocol in response to a medical status of the client, (Medical Travel, p. 4)(disclosing emergency services that are a modification of a treatment protocol).

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11. As per claim 10, Medical Travel discloses a method further comprising the step of coordinating billing of the accommodation to the bundle of clients, (Medical Travel, p. 13, 14)(disclosing how to pay for on-board expenses).

12. As per claim 11, Medical Travel discloses a method further comprising the step of coordinating billing of the clinical services to the bundle of clients, (Medical Travel, p. 13, 14)(disclosing how to pay for on-board expenses).

13. As per claim 12, Medical Travel discloses a method wherein the step of providing clinical services includes providing at least one duty nurse servicing a bundle of clients in the bundle accommodation, (Medical Travel, p. 4)(disclosing a nurse).

14. As per claim 17, Medical Travel discloses a method wherein the accommodation is a short-term guest based accommodation, (Medical Travel, p. 16)(disclosing short-term guest based accommodation for on-board weddings).

15. As per claim 18, Medical Travel discloses a method wherein the step of providing the accommodation includes modifying a standard hotel room for the client, (Medical Travel, p. 14)(disclosing accommodations including a handicapped room).

16. As per claim 19, Medical Travel discloses a method wherein the step of providing clinical services includes providing rehabilitation therapy services in a facility of the

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accommodation, (Medical Travel, p. 8)(disclosing medical vacation trips for European medical procedures that are considered to include rehabilitation therapy services).

17. As per claim 64, Medical Travel discloses a method wherein the step of bundling comprises selecting a number of patients for the quantum bundle based on a capacity of services and/or service providers, said capacity being less than a capacity of the accommodation, (Medical Travel, p. 14)(disclosing cabin capacity as a factor in allowing children to travel with family members).

18. As per claim 65, Medical Travel discloses a method wherein the step of bundling comprises allowing a first client in the quantum bundle to select the accommodation from available accommodations; and assigning each subsequent client in the quantum bundle to the accommodation selected by the first client, (Medical Travel, p. 14)(disclosing allowing children to travel with family members in a group that is considered equivalent to a quantum bundle).

19. As per claim 66, Medical Travel discloses a method wherein treatment is received by the plurality of clients at the at least one medical facility, and wherein the at least one medical facility is within the geographic range, (Medical Travel, p. 4, 14)(a group of people with similar disabilities booked together for treatment and transport on the same cruise ship).

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20. As per claim 67, Medical Travel discloses a method wherein the step of bundling comprises selecting the accommodations for at least one of the plurality of clients based on an accommodation selected by at least one other client of the plurality of clients, (Medical Travel, p. 14)(disclosing allowing children to travel with family members in the same cabin).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medical Travel Inc., in view of Lee, (U.S. 2001/0031997).

22. As per claim 13, Medical Travel fails to disclose a method further comprising restocking a central supply of materiel in response to the clinical services provided. However, such a method is well-known in the art as evidenced by reference to Lee, (Lee, ¶ 9)(disclosing refill of a drug reservoir which is considered to be restocking a central supply of materiel in response to the clinical services provided).

It would have been obvious to one of ordinary skill in the art to combine Medical Travel and Lee. The motivation would have been to connect a remote patient and/or medical device with a clinician for diagnosis and treatment, (Lee, Abstract).

23. As per claim 14, Medical Travel fails to disclose a method further comprising the step of recording medical status information of the client in an electronic database. However, such a method is well-known in the art as evidenced by reference to Lee, (Lee, ¶ 16).

The statement of obviousness and motivation to combine Medical Travel and Lee is as provided in the rejection of claim 13 and incorporated herein by reference.

24. As per claim 15, Medical Travel fails to disclose a method further comprising the step of providing access to the medical status information to a physician having responsibility to the client. However, such a method is well-known in the art as evidenced by reference to Lee, (Lee, ¶ 16).

The statement of obviousness and motivation to combine Medical Travel and Lee is as provided in the rejection of claim 13 and incorporated herein by reference.

25. As per claim 16, Medical Travel fails to disclose a method further comprising the step of providing access to the medical status information to a third party provider of the client. However, such a method is well-known in the art as evidenced by reference to Lee, (Lee, ¶ 16)(disclosing access by multiple providers).

The statement of obviousness and motivation to combine Medical Travel and Lee is as provided in the rejection of claim 13 and incorporated herein by reference.

Response to Arguments

Applicant's arguments filed 5/8/2007 have been fully considered but they are not persuasive.

Applicant argues that medical travel fails to disclose bundling the plurality of clients into a quantum bundle, wherein the step of bundling comprises limiting the accommodations available to at least one of the plurality of clients to an accommodation reserved for at least one other client of the plurality of clients. However, Medical Travel does disclose such a limitation. Medical Travel discloses a group of people with similar disabilities booked together for treatment and transport on the same cruise ship is considered to be a quantum bundle because they share the same reservation period and geographic location and transport on the same cruise ship, and that children, who are considered part of the same quantum bundle, can have their accommodations limited to the same cabin as their family, (Medical Travel, p. 4, 14).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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